

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 163

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN R. MONNIER, STEPHEN N. FALLING,
STEPHEN A. GODLESKI, HOWARD M. LOW,
LAUGHLIN G. McCULLOUGH, LYNDIA W. McGARRY,
PATRICIA LOPEZ-MALDONADO, FRANK G. WEBSTER
AND GERALD W. PHILLIPS,

Junior Party,¹

v.

MARTIN FISCHER,

Senior Party.²

¹Application 08/194,655, filed February 10, 1994. Accorded the benefit of U.S. Application Nos. 07/746,530, filed August 19, 1991, now abandoned; 07/627,668, filed December 14, 1990, now Patent No. 5,082,956, issued January 21, 1992; and 07/490,208, filed March 8, 1990. Assignors to Eastman Chemical Company, A Corp. of New Jersey.

²Patent 5,034,545, granted July 23, 1991, based on Application 07/528,048, filed May 23, 1990. Accorded the benefit of German P3926147.6 filed August 8, 1989. Assignor to BASF Corporation, Delaware.

Interference No. 103,455

Patent Interference No. 103,455

Before CAROFF, DOWNEY, and HANLON, Administrative Patent Judges.

CAROFF, Administrative Patent Judge.

JUDGMENT

Fischer, the senior party, has filed a request for entry of an adverse judgment (Paper No. 160) pursuant to 37 CFR

§ 1.662(a). Accordingly, judgment is hereby entered as follows:

Judgment as to the subject matter of the sole count in issue (count 2 - see Redeclaration Paper No. 68) is hereby awarded to Monnier et al.,³ the junior party.

Martin Fischer is not entitled to his patent claims 1-6 corresponding to the count.

On this record, junior party Monnier et al. is entitled to its claims 72-73 corresponding to the count. For

³The junior party is nominally referred to as "Monnier et al." as originally designated. However, the junior party may be more accurately referred to as "Falling" since all-named inventors have been deleted from the involved junior party application except for Stephen N. Falling (see Redeclaration Paper No. 68).

Interference No. 103,455

completeness,

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we note that Monnier et al. claims 66-71 have been held unpatentable (see the Decision on Motions - Paper No. 67, page 3).

MARC L. CAROFF)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
MARY F. DOWNEY)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
)	
ADRIENE LEPIANE HANLON)	
Administrative Patent Judge)	

Interference No. 103,455

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